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OFFICE OF PETITIONS

ON PETITION

In re Application of
Haarala et al.
Application No. 09/838,618
Filed: April 19, 2001
Attorney Docket No. 10123/01101

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed November 25, 2003, to revive the above-identified application.

The petition is granted.

This application became abandoned for failure to timely reply within three months to the final Office action mailed May 6, 2003. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, this application became abandoned on August 7, 2003.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b).

The Notice of Appeal filed November 25, 2003, has been entered and made of record. Accordingly, the 2-month period for filing the appeal brief, in triplicate, accompanied by the fee required by law, runs from the date of this decision.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the authorization to charge the \$950.00 extension of time fee submitted with the petition on November 25, 2003 was given subsequent to the maximum extendable period for reply, this fee is unnecessary and will not be charged to petitioner's deposit account.

The file is now being forwarded to Technology Center 3700 for further processing.

Telephone inquiries should be directed to Paralegal Liana Chase at (703) 306-0482.

Karen Creasy
Karen Creasy
Petitions Examiner
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for Patent Examination Policy